

FACT SHEET

SUBJECT: Conducting Unit Health and Welfare Inspections

1. PURPOSE. To provide commanders with information about conducting unit health and welfare inspections.

2. FACTS.

a. Commanders are responsible for the health, safety, and military readiness of their units. The health and welfare inspection is an effective tool to use in meeting this responsibility. A command-directed inspection is an examination of all or part of a unit, organization, installation, aircraft, or vehicle. An inspection may include the following types of examinations:

(1) An order to produce urine.

(2) An examination by narcotic detection dogs.

(3) An inspection to ensure the area is free of unlawful weapons or other contraband.

(4) An inspection to determine and ensure the command is properly equipped (functioning properly), maintaining proper standards of readiness, sanitation and cleanliness, and that personnel are present, fit, and ready for duty.

c. In planning an inspection, the commander should prepare a written memorandum regarding the inspection (see enclosure). The memorandum should include language that:

(1) indicates the inspection was previously scheduled;

(2) states his or her purpose for conducting the inspection;

(3) establishes objection criteria for selecting the individuals to be inspected;

(4) prescribes a scope of inspection that clearly relates to the purpose of the inspection; and

(5) announces inspection procedures that ensure all individuals will be inspected in the same manner.

ATZK-JAA

SUBJECT: Conducting Unit Health and Welfare Inspections

3. POC is the Administrative Law Division at 4-7414/4668.

VINCENT C. NEALEY

Chief, Administrative Law Division

(Office Symbol)

(Date)

MEMORANDUM FOR RECORD

SUBJECT: Unit Health and Welfare Inspection

1. A health and welfare inspection will be conducted at _____ hours on _____ 19____. The purpose of the inspection is to determine and ensure the security, military readiness, good order, and discipline of the unit. If during the course of the inspection contraband or evidence of a crime is discovered, it will be seized and properly secured.

2. During the course of the inspection, an examination will be made to determine and ensure that any or all of the following are met:

- a. ____ that the command is properly equipped;
- b. ____ that the command is functioning properly;
- c. ____ that the command is maintaining proper standards of readiness, sanitation and cleanliness;
- d. ____ that the personnel are present, fit, and ready for duty;
- e. ____ others as specified.

3. The following personnel areas will be inspected:

- a. ____ all assigned or attached personnel;
- b. ____ all personnel assigned to _____ platoon;
- c. ____ all motor vehicle operators;
- d. ____ all barracks rooms;
- e. ____ others as specified.

4. The inspection will consist of the following checked items:

- a. ____ urinalysis;
- b. ____ room and wall locker inspection to ascertain and ensure:
 - (1) ____ accountability and serviceability of military clothing and TA-50;
 - (2) ____ absence of spoiled foods, mildew and dirt;
 - (3) ____ absence of ammunition, pyrotechnics, and fireworks;
 - (4) ____ absence of unlawful weapons;
 - (5) ____ absence of controlled substances.
- c. ____ TA-50 inspection only; and
- d. ____ others as specified: _____

(Signature Block)

FACT SHEET

SUBJECT: Health and Welfare Inspections

1. PURPOSE. To provide commanders information on authorizing and conducting health and welfare inspections.

2. FACTS.

a. Commanders may authorize inspections of billet and work areas to ensure the safety of those facilities and the welfare of the soldiers working and living in them. Contraband or other evidence seized as a result of a health and welfare inspection is admissible as evidence in courts-martial if the inspection complies with the following requirements.

b. First, only a commander may order the inspection, and the areas inspected must belong to the commander's unit. For example, health and welfare inspections may include inspections of POVs if the POVs are parked in the unit parking lot normally under the control of that commander.

c. Second, the commander may not use the inspection as a substitute for a lawful search based on probable cause when probable cause does not exist. Administrative inspections are not tools for criminal investigations. For example, if a commander suspects that a soldier possesses illegal drugs in his wall locker but does not have probable cause to conduct a search, the commander may not use a health and welfare inspection as a subterfuge for an improper search of an individual soldier.

d. Third, the commander directing the inspection must provide clear guidance to the members of the chain of command conducting the inspection. With regard to barracks rooms in particular, each soldier must be subject to the same level of inspection. Therefore, the commander should tell the inspectors where they may look, what they should look for, and what to do if illegal contraband is discovered. For example, if the stated purpose of the inspection is to inspect for such unregistered or illegal weapons as handguns or knives, no need exists for inspectors to open boxes, envelopes, or packages too small to contain objects the inspection is targeting.

3. POC is the Administrative Law Division at 4-7414/4668.

VINCENT C. NEALEY
Chief, Administrative Law Division